

Arguments / Comments

With this amendment, the limitations of now cancelled Claim 4 have been incorporated into currently amended Claim 1. It is my submission that currently amended Claim 1 is not anticipated by Brown (US 4,564,024), nor is it made obvious thereby.

Brown (US 4,564,024) does not specify, illustrate or claim contact between the individual wooden elements of his invention. However, the present invention does claim in the cancelled Claim 4 (included in the amended Claim 1) that the individual wooden elements contact each other. The present invention does not specifically define the location of contact between the individual wooden elements as being within the adhesive, at a bottom surface, at a top surface or elsewhere. The location of contact between or among the individual wooden elements is not depicted in the drawings or in the description of the drawings or in the specification. Rather the location of contact between the individual wooden elements is left in its broadest general form. Indeed the possible locations of contact between or among individual wooden elements in the limitless variety of wooden manufacturers is so numerous and varied as to defy, complete description, depiction or specification. To suggest a particular location of contact between the individual wooden elements as set forth in Claim 1 of the present invention would impart a limitation to it that is simply not there. This would be to interpret the location of contact between the individual wooden elements in perhaps the narrowest fashion rather than in a reasonably broad fashion. Contact between the individual wooden elements claimed in the present invention was not addressed in earlier office actions. This fact suggests its inventiveness. One possible location for contact of the individual wooden elements is at an upper surface. This location of contact alone provides for significant inventive differences in the present invention relative to Brown's invention.

In this regard, it is submitted that Brown discloses a flexible flooring construction have a broken traffic surface, with Brown specifying that joint sizes must be between 1/16" and 3/4". As such, the Brown construction is much like a corduroy road surface, and does not allow for smooth rolling or sliding of furniture items there over. In use, heavy objects rolled across the Brown construction would clank from one tile to the next, thereby generating a significant amount of resistance for the wheeled object. By way of contrast, it is my submission that the substantially unbroken and continuous wood surface that is currently suggested in Claim 1 is more akin to a

paved road surface. The mobile wood joinery of the present invention provides for a rigid level surface when it is placed on a substrate such as a sub-floor. This significant improvement allows for wheeled furniture items to roll smoothly over the traffic surface of the present invention without resistance, rather than sinking into the flexible and interrupted construction that is disclosed by Brown.

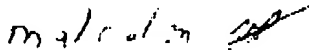
It is my further submission that the mobile wood joinery of the present invention has a number of additional and unexpected advantages over the modular tiles disclosed by Brown, some of which are set out hereinbelow. Aesthetically, the mobile wood joinery of the present invention will be seen to provide a substantially unbroken continuous wooden surface, with substantially negligible interstitial spaces, such that it has much the same appeal as a conventional hardwood floor surface. Functionally, the mobile wood joinery of the present invention provides a surface of consistent hardness that does not have dangerous soft spots that might catch or snag a high-heeled shoe. The present invention also avoids movement of the rubber joint at the traffic surface during expansion and/or contraction of the individual wooden elements. Otherwise, such joint movement might cause any finish applied to the traffic surface to break, chip or peel.

As well, in designs that provide for interstitial spaces between individual tiles or wooden elements, compression of the rubber joint between such elements will naturally cause the joint to rise above the traffic surface, thereby forming a catch or snag that could impede cleaning. Similarly, stretching the joint would create a hollow that would hold dirt, dust, debris and even fluid. The present invention avoids both of these problems by providing a design wherein individual wooden elements together define a substantially unbroken and continuous traffic surface or upper surface on the product of adhesive wood joinery. Further, an unbroken wooden surface avoids chemical reactions and compatibility problems between various joinery rubbers and various wood finishes.

Additionally, the cross - sectional geometry of the present invention provides for a smaller joint volume and conserves joinery rubber, while also substantially minimizing exposure of the joint to UV, cleaners, solvents, etc. There is significantly reduced wear on the joint, and no 'crazing' of the joint material is visible over time at the traffic surface. This structure of the invention may also be used with joint sizes less than 1/16", and even with woods that are thinner than 1/20".

For all of the reasons aforesaid, it is my position that currently amended Claim 1 is not anticipated by Brown (US 4,564,024), nor is it made obvious thereby. Reconsideration of the above identified application in view of the preceding amendments and/or remarks with a view toward timely issuance of a Notice of Allowance is requested. If after reviewing this response, the Examiner believes that a telephone or personal interview would facilitate the resolution of any remaining matters, the applicant may be contacted at the number set forth hereinbelow.

Sincerely,



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